

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN HEFFERNAN,

Plaintiff,

-against-

Case No. 07 CV 11260 (WCC)

NOTICE OF MOTION

FRANK G. STRAUB, individually, and in his capacity as
Commission of Public Safety for the City of White Plains,
N.Y., RICHARD LYMAN, individually, and in his
capacity as Chief of the City of White Plains Fire Bureau,
Department of Public Safety, RICHARD HOULIHAN,
individually, and in his capacity as Deputy Chief, White
Plains Fire Bureau, Department of Public Safety,
VINCENT ROBERTO, individually and in his capacity as
Deputy Fire Chief, White Plains Fire Bureau, Department
of Public Safety and the CITY OF WHITE PLAINS, New
York,

Defendants.
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PLEASE TAKE NOTICE that, upon the annexed Affirmation of Ivan D. Smith, Esq.,
dated March 19, 2008, the exhibits annexed thereto, and the accompanying Memorandum of
Law in Support of the Motion to Dismiss, defendants will move this Court, before the Honorable
William C. Conner, United States District Judge, at the United States District Courthouse,
Southern District of New York, 300 Quarropas Street, White Plains, NY 10601 on _____,
2008 or as soon thereafter as counsel may be heard, for an Order dismissing in its entirety, the
Complaint in this matter, and granting such other and further relief as the Court may deem just
and proper;

PLEASE TAKE FURTHER NOTICE, that pursuant to the Order of the Court,
answering papers, if any, must be served and filed by April 9, 2008;

PLEASE TAKE FURTHER NOTICE, that pursuant to the Order of the Court, reply papers, if any must be served and filed by April 21, 2008.

Dated: New York, New York
March 19, 2008

LEWIS BRISBOIS BISGAARD & SMITH, LLP

i/s

Ivan D. Smith (IS-2659)
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TO:

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